

**Executive Summary – Enforcement Matter – Case No. 50269**  
**Billy Gamboa and Sarah Gamboa dba Trails End RV Park**  
**RN107228157**  
**Docket No. 2015-0463-PWS-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

**Media:**

PWS

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

Trails End RV Park, 2911 North County Road 1140 near Midland, Midland County

**Type of Operation:**

Public water system

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** August 7, 2015

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$330

**Amount Deferred for Naturally Occurring Inorganic Contaminants:** \$330

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$0

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Supplemental Environmental Project ("SEP") Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - N/A

Site/RN - N/A

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

**Executive Summary – Enforcement Matter – Case No. 50269**  
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***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** February 23, 2015 through March 6, 2015

**Date(s) of NOE(s):** March 6, 2015

***Violation Information***

Failed to comply with the acute maximum contaminant level (“MCL”) of 10 milligrams per liter for nitrate, and failed to timely post public notification regarding the exceedance of the acute MCL for nitrate for the first quarter of 2015 and submit a copy of the public notification to the Executive Director (“ED”) [30 TEX. ADMIN. CODE §§ 290.106(f)(2) and 290.122(a)(2) and (f) and TEX. HEALTH & SAFETY CODE § 341.031(a)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

By February 9, 2015, the Respondents provided the public notification regarding the exceedance of the acute MCL for nitrate for the first quarter of 2015.

**Technical Requirements:**

The Order will require the Respondents to:

- a. Within 30 days, implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the Facility;
- b. Within 45 days, submit written certification to demonstrate compliance with a.;
- c. Within 120 days, complete a feasibility study, or update an existing feasibility study, and submit a written report or engineering study conducted by a Texas registered professional engineer regarding the results of the feasibility study to evaluate the necessary corrective actions designed to achieve compliance with the acute MCL for nitrate. The report shall include a tentative schedule describing additional studies, tests, or other methods that may be utilized for the completion of necessary corrective actions within 1,095 days. If the Respondents purchase or sell water, a copy of the purchase water contract must be submitted with the feasibility study report or engineering study;
- d. Within 135 days, submit written certification to demonstrate compliance with c.;

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- e. Within 180 days, submit an acceptable written plan, including a proposed schedule, to the ED that provides for the completion of an alternate water source or treatment technology;
- f. Within 180 days, and on a semi-annual basis thereafter, submit progress reports. These reports shall include information regarding actions taken to provide water which meets the acute MCL for nitrate;
- g. Within 195 days, submit written certification to demonstrate compliance with e.;
- h. Within 1,095 days, return to compliance with the acute MCL for nitrate; and
- i. Within 1,110 days, submit written certification to demonstrate compliance with h.

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** James Boyle, Enforcement Division,  
Enforcement Team 3, MC 169, (512) 239-2527; Candy Garrett, Enforcement Division,  
MC 219, (512) 239-1456  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** Billy Gamboa, Owner, Trails End RV Park, 2911 North County Road  
1140, Midland, Texas 79705  
Sarah Gamboa, Owner, Trails End RV Park, 2911 North County Road 1140, Midland,  
Texas 79705  
**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

**TCEQ**

**DATES**

**Assigned**

9-Mar-2015

**PCW**

10-Jun-2015

**Screening**

17-Mar-2015

**EPA Due**

30-Jun-2015

## RESPONDENT/FACILITY INFORMATION

**Respondent** Billy Gamboa and Sarah Gamboa dba Trails End RV Park

**Reg. Ent. Ref. No.** RN107228157

**Facility/Site Region** 7-Midland

**Major/Minor Source** Minor

## CASE INFORMATION

**Enf./Case ID No.** 50269

**Docket No.** 2015-0463-PWS-E

**Media Program(s)** Public Water Supply

**Multi-Media**

**No. of Violations** 1

**Order Type** Findings

**Government/Non-Profit** No

**Enf. Coordinator** Gregory Zychowski

**EC's Team** Enforcement Team 3

**Admin. Penalty \$ Limit Minimum**

\$50

**Maximum**

\$1,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)**

**Subtotal 1** \$300

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History**

10.0% Enhancement

**Subtotals 2, 3, & 7** \$30

**Notes** Enhancement for two NOVs with same/similar violations.

**Culpability**

No

0.0% Enhancement

**Subtotal 4** \$0

**Notes** The Respondents do not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments**

**Subtotal 5** \$0

**Economic Benefit**

Total EB Amounts \$10,076

Estimated Cost of Compliance \$40,170

0.0% Enhancement\*

\*Capped at the Total EB \$ Amount

**Subtotal 6** \$0

**SUM OF SUBTOTALS 1-7**

**Final Subtotal** \$330

**OTHER FACTORS AS JUSTICE MAY REQUIRE**

0.0%

**Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount** \$330

**STATUTORY LIMIT ADJUSTMENT**

**Final Assessed Penalty** \$330

**DEFERRAL**

0.0%

Reduction

**Adjustment** \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

No deferral is recommended for Findings Orders.

**PAYABLE PENALTY**

\$330

Screening Date 17-Mar-2015

Docket No. 2015-0463-PWS-E

PCW

Respondent Billy Gamboa and Sarah Gamboa dba Trails End RV Park

Policy Revision 4 (April 2014)

Case ID No. 50269

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN107228157

Media [Statute] Public Water Supply

Enf. Coordinator Gregory Zychowski

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 10%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for two NOVs with same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 10%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 10%

Screening Date 17-Mar-2015

Docket No. 2015-0463-PWS-E

PCW

Respondent Billy Gamboa and Sarah Gamboa dba Trails End RV Park

Policy Revision 4 (April 2014)

Case ID No. 50269

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN107228157

Media [Statute] Public Water Supply

Enf. Coordinator Gregory Zychowski

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 290.106(f)(2) and 290.122(a)(2) and (f) and Tex. Health &amp; Safety Code § 341.031(a)

## Violation Description

Failed to comply with the acute maximum contaminant level ("MCL") of 10 milligrams per liter ("mg/L") for nitrate, and failed to timely post public notification regarding the exceedance of the acute MCL for nitrate for the first quarter of 2015 and submit a copy of the public notification to the Executive Director. Specifically, the single sample concentration for nitrate was 11 mg/L for the first quarter of 2015. The Respondents were required to post public notification for the exceedance by January 31, 2015 but did not provide notification until February 9, 2015.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 30.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Exceeding the acute MCL for nitrate and failing to provide public notification of the exceedance caused the customers of the Facility to be exposed to pollutants which exceed levels protective of human health.

Adjustment \$700

\$300

## Violation Events

Number of Violation Events 1

90 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$300

One quarterly event is recommended.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$300

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$10,076

Violation Final Penalty Total \$330

This violation Final Assessed Penalty (adjusted for limits) \$330

# Economic Benefit Worksheet

**Respondent** Billy Gamboa and Sarah Gamboa dba Trails End RV Park

**Case ID No.** 50269

**Reg. Ent. Reference No.** RN107228157

**Media** Public Water Supply

**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

**Item Cost** **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**  
**Item Description** No commas or \$

## Delayed Costs

Equipment	\$40,000	31-Mar-2015	3-Nov-2018	3.60	\$480	\$9,593	\$10,072
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	23-Feb-2015	4-Dec-2015	0.78	\$4	n/a	\$4
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$70	31-Jan-2015	9-Feb-2015	0.02	\$0	n/a	\$0

### Notes for DELAYED costs

The equipment delayed cost includes the estimated amount to amount to investigate, identify, and implement the necessary corrective actions to return to compliance with the acute MCL for nitrate, calculated from the last day of the first quarter of non-compliance to the estimated date of compliance.

The training/sampling delayed cost includes the estimated amount to implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that all public notifications are timely posted, calculated from the first date of the record review to the estimated date of compliance.

The other delayed cost includes the estimated amount to post public notification (\$5 per notice x 1 missed notice), calculated from the date of that public notification was required to the date the late notification was submitted.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

### Notes for AVOIDED costs

**Approx. Cost of Compliance**

\$40,170

**TOTAL**

\$10,076





# TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN604559294, RN107228157, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

**Customer, Respondent, or Owner/Operator:** CN604559294, Billy Gamboa

**Classification:** NOT APPLICABLE

**Rating:** N/A

**Regulated Entity:** RN107228157, Trails End RV Park

**Classification:** NOT APPLICABLE

**Rating:** N/A

**Complexity Points:** N/A

**Repeat Violator:** N/A

**CH Group:** 14 - Other

**Location:** 2911 North County Road 1140 near Midland, in Midland County, Texas

**TCEQ Region:** REGION 07 - MIDLAND

**ID Number(s):**

**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION** 1650149

**Compliance History Period:** September 01, 2009 to August 31, 2014

**Rating Year:** 2014

**Rating Date:** 09/01/2014

**Date Compliance History Report Prepared:** June 10, 2015

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** June 10, 2010 to June 10, 2015

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Greg Zychowski

**Phone:** (512) 239-3158

## Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? NO
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

## Components (Multimedia) for the Site Are Listed in Sections A - J

### **A. Final Orders, court judgments, and consent decrees:**

N/A

### **B. Criminal convictions:**

N/A

### **C. Chronic excessive emissions events:**

N/A

### **D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1      September 12, 2014      (1193717)

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- |   |  |
|---|--|
| 1 | Date: 01/30/2015 (1229186) CN604559294   |
|   | Self Report? NO Classification: Moderate   |
|   | Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(2)   |
|   | Description: NO3 AMCL 1Q2015 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen) with a sample result of 11 mg/L collected on 01/26/2015.  |
|   |  |
| 2 | Date: 02/19/2015 (1229186) CN604559294   |
|   | Self Report? NO Classification: Moderate   |
|   | Citation: 30 TAC Chapter 290, SubChapter F 290.122(a)(2)<br>30 TAC Chapter 290, SubChapter F 290.122(f)  |
|   | Description: NO3 AMCL PN 1Q2015 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for nitrate during the 1st quarter of 2015. |

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A



## TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN604559302, RN107228157, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

**Customer, Respondent, or Owner/Operator:** CN604559302, Sarah Gamboa

**Classification:** NOT APPLICABLE

**Rating:** N/A

**Regulated Entity:** RN107228157, Trails End RV Park

**Classification:** NOT APPLICABLE

**Rating:** N/A

**Complexity Points:** N/A

**Repeat Violator:** N/A

**CH Group:** 14 - Other

**Location:** 2911 North County Road 1140 near Midland, in Midland County, Texas

**TCEQ Region:** REGION 07 - MIDLAND

**ID Number(s):**

**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION** 1650149

**Compliance History Period:** September 01, 2009 to August 31, 2014

**Rating Year:** 2014

**Rating Date:** 09/01/2014

**Date Compliance History Report Prepared:** June 10, 2015

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** June 10, 2010 to June 10, 2015

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Greg Zychowski

**Phone:** (512) 239-3158

### Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? NO
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

### Components (Multimedia) for the Site Are Listed in Sections A - J

#### **A. Final Orders, court judgments, and consent decrees:**

N/A

#### **B. Criminal convictions:**

N/A

#### **C. Chronic excessive emissions events:**

N/A

#### **D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1      September 12, 2014      (1193717)

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- |   |  |
|---|--|
| 1 | Date: 01/30/2015 (1229186) CN604559302   |
|   | Self Report? NO Classification: Moderate   |
|   | Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(2)   |
|   | Description: NO3 AMCL 1Q2015 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen) with a sample result of 11 mg/L collected on 01/26/2015.  |
|   |  |
| 2 | Date: 02/19/2015 (1229186) CN604559302   |
|   | Self Report? NO Classification: Moderate   |
|   | Citation: 30 TAC Chapter 290, SubChapter F 290.122(a)(2)<br>30 TAC Chapter 290, SubChapter F 290.122(f)  |
|   | Description: NO3 AMCL PN 1Q2015 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for nitrate during the 1st quarter of 2015. |

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING BILLY GAMBOA  
AND SARAH GAMBOA  
DBA TRAILS END RV PARK  
RN107228157**

§  
§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2015-0463-PWS-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Billy Gamboa and Sarah Gamboa dba Trails End RV Park (the "Respondents") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondents presented this agreement to the Commission.

The Respondents understand that they have certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondents agree to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondents.

The Commission makes the following Findings of Fact and Conclusions of Law:

## **I. FINDINGS OF FACT**

1. The Respondents own and operate a public water system located at 2911 North County Road 1140 near Midland, in Midland County, Texas (the "Facility").
2. During a record review conducted from February 23, 2015 through March 6, 2015, TCEQ staff documented that the single sample concentration for nitrate was 11 milligrams per liter ("mg/L") for the first quarter of 2015. The Respondents were required to post public notification for the exceedance by January 31, 2015 but did not provide notification until February 9, 2015.
3. The Respondents received notice of the violations on March 16, 2015.
4. The Executive Director recognizes that by February 9, 2015, the Respondents provided the public notification regarding the exceedance of the acute maximum contaminant level ("MCL") for nitrate for the first quarter of 2015.

## **II. CONCLUSIONS OF LAW**

1. The Respondents are subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondents failed to comply with the acute MCL of 10 mg/L for nitrate, and failed to timely post public notification regarding the exceedance of the acute MCL for nitrate for the first quarter of 2015 and submit a copy of the public notification to the Executive Director, in violation of 30 TEX. ADMIN. CODE §§ 290.106(f)(2) and 290.122(a)(2) and (f) and TEX. HEALTH & SAFETY CODE § 341.031(a).
3. Pursuant to TEX. HEALTH & SAFETY CODE ch. 341, the Commission has the authority to assess an administrative penalty against the Respondents for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Three Hundred Thirty Dollars (\$330) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). Three Hundred Thirty Dollars (\$330) of the administrative penalty is deferred contingent upon the Respondents' timely and satisfactory compliance with all the terms of this Agreed Order and shall be waived only upon full compliance with all the the terms and conditions contained in this Agreed Order. If the Respondents fail to timely and satisfactorily comply with any requirement contained in this Agreed Order, the deferred amount of the administrative penalty shall become immediately due and payable without demand or notice, and the Executive Director may request the Respondents to pay all or part of the deferred administrative penalty.

### III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondents are assessed an administrative penalty in the amount of Three Hundred Thirty Dollars (\$330) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondents' compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Billy Gamboa and Sarah Gamboa dba Trails End RV Park, Docket No. 2015-0463-PWS-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondents are jointly and severally liable for the violations documented in this Agreed Order, and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Agreed Order.
3. The Respondents shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.122;
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 3.i. below and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.;
  - c. Within 120 days after the effective date of this Agreed Order, complete a feasibility study, or update an existing feasibility study, and submit a written report or engineering study conducted by a Texas registered professional engineer regarding the results of the feasibility study to evaluate the necessary corrective actions designed to achieve compliance with the acute MCL for nitrate. The report shall include a tentative schedule describing additional studies, tests, or other methods that may be utilized for the completion of necessary corrective actions within 1,095 days after the effective date of this Agreed Order. If the Respondents purchase or sell water, a copy of the purchase water contract must

be submitted with the feasibility study report or engineering study. The evaluation shall be sent to the addresses in listed in Ordering Provision No. 3.i.;

- d. Within 135 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 3.i. below, and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.c.;
- e. Within 180 days after the effective date of this Agreed Order, submit an acceptable written plan, including a proposed schedule, to the Executive Director that provides for the completion of an alternate water source or treatment technology to the addresses listed in Ordering Provision No. 3.i.;
- f. Within 180 days after the effective date of this Agreed Order, and on a semi-annual basis thereafter, submit progress reports to the addresses listed in Ordering Provision No. 3.i. below. These reports shall include information regarding actions taken to provide water which meets the acute MCL for nitrate;
- g. Within 195 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 3.i. below to demonstrate compliance with Ordering Provision No. 3.e.;
- h. Within 1,095 days after the effective date of this Agreed Order, return to compliance with the acute MCL for nitrate, in accordance with 30 TEX. ADMIN. CODE § 290.106; and
- i. Within 1,110 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.h. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087



with a copy to:

Public Drinking Water Section Manager  
Water Supply Division, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondents. The Respondents are ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondents shall be made in writing to the Executive Director. Extensions are not effective until the Respondents receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondents if the Executive Director determines that the Respondents have not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondents in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing",

and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

10. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Ramon M. Garcia  
For the Executive Director

10/30/15  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Billy Gamboa and Sarah Gamboa dba Trails End RV Park. I am authorized to agree to the attached Agreed Order on behalf of Billy Gamboa and Sarah Gamboa dba Trails End RV Park, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Billy Gamboa and Sarah Gamboa dba Trails End RV Park waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions;
- and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

[Signature]  
Signature

9/10/2015  
Date

Billy A. Gamboa  
Name (Printed or typed)  
Authorized Representative of  
Billy Gamboa  
dba Trails End RV Park

Owner / Operator  
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

*Benjamin M. Garcia*  
For the Executive Director

10/30/15  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Billy Gamboa and Sarah Gamboa dba Trails End RV Park. I am authorized to agree to the attached Agreed Order on behalf of Billy Gamboa and Sarah Gamboa dba Trails End RV Park, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

*Sarah Gamboa*  
Signature

9/10/2015  
Date

*Sarah Gamboa*  
Name (Printed or typed)  
Authorized Representative of  
Sarah Gamboa  
dba Trails End RV Park

*Owner / Operator*  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.